## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI SOUTHERN DIVISION

DAVID STEBBINS,	)
Plaintiff,	)
v.	) )Case No. 10-3305-CV-S-RED
RELIABLE HEAT & AIR, LLC, et al., And	) )
RANDAL RICHARDSON, et al.	)
Defendants.	)

## REPLY SUGGESTION IN SUPPORT OF MOTION FOR RECONSIDERATION

Comes now Plaintiff David Stebbins, who respectfully submits the following reply suggestion in support of his motion for reconsideration of the motion to confirm the arbitration award.

Defendants assert that there was no contract between the Defendant and myself, but his original assertion in Document #75 was untimely (see Document #81), and thus should be struck, and he should have been listed in default. See Fed. R. Civ. P. Rule 55(a).

The Court's decision was based on the lack of participation, which he claimed ruled the very existence of an arbitration agreement to be moot. He claimed that the courts do not recognize the arbitration proceedings, not the way the arbitration agreement came into effect.

If the Court did deny the motion on the grounds that no arbitration agreement existed between the parties, he did not cite any legal authorities in support of that claim. The legal authorities raised by the Defendants were untimely (see Document #81), and thus should be disregarded.

Indeed, an arbitration agreement must exist between the parties, but in the instant case, an arbitration agreement did exist between the parties. The Defendants' only excuse was that the acceptance method was impossible to not perform, when in fact, all the Defendant had to do to avoid accepting the contract was hang up the phone (see Document #81).

Wherefore, I respectfully pray that you grant the motion for reconsideration, proceed to confirm the arbitration award, award costs incurred, and other relief that the court finds appropriate.

It is so declared on this 26<sup>th</sup> day of April, 2011.

David & tellen **David Stebbins** 1407 N Spring Rd,

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## **CERTIFICATE OF SERVICE**

I, Plaintiff David Stebbins, hereby certify that a true and correct copy of my Reply Suggestion in Support of Motion for Reconsideration was served on Gary Allman by transmitting a copy via email transmission to <a href="mailto:garywallman@gmail.com">garywallman@gmail.com</a> on the 26<sup>th</sup> day of April, 2011.

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